

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KENNETH T. CHAVEZ,

Plaintiff,

- against -

25 JAY STREET LLC and NORTH HENRY
PARTNERS LLC,

Defendants.
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: **MEMORANDUM DECISION
AND ORDER**

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: 20-CV-845 (AMD) (PK)

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ANN M. DONNELLY, United States District Judge:

On February 17, 2020, the plaintiff filed this action against 25 Jay Street LLC and Henry Norman Partners LLC, who own, operate and manage the Henry Norman Hotel in Brooklyn, New York. (*See* ECF No. 1.) The complaint alleges violations of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.*, the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 290 *et seq.*, the New York Civil Rights Law (“NYCRL”), N.Y. Civ. Rights Law § 40 and the New York City Human Rights Law (“NYCHRL”), N.Y.C. Admin. Code § 8-100 *et seq.* (*See id.*) The defendants were served on February 24, 2020. (ECF Nos. 6-7.) The clerk filed an entry of default by the defendants on May 26, 2020. (ECF No. 9.)

On June 26, 2020, the plaintiff filed a motion for default judgment against both defendants. (ECF No. 10.) I referred the motion to Magistrate Judge Peggy Kuo on July 8, 2020. After Judge Kuo informed the plaintiff of various procedural deficiencies with his motion, the plaintiff filed a second motion for default on January 13, 2021. (Order dated January 10, 2021; ECF No. 11.) Judge Kuo held an inquest on January 26, 2021, at which counsel for the

defendants did not appear. (Minute Entry dated January 29, 2021.) At the inquest, the plaintiff withdrew his class claims. (Inquest Tr. at 9:4-14.)

Judge Kuo issued a thorough report and recommendation on February 24, 2021, in which she recommends that the plaintiff's motion be granted, and default judgment be entered against the defendants. (ECF No. 14.) Judge Kuo also recommends that the Court:

- (a) enter an injunction (1) prohibiting the defendants from discriminating against the plaintiff, (2) requiring the defendants to submit to the plaintiff's counsel an implementation plan that remedies the violations identified in the report and recommendation within 60 days of this order, (3) granting the plaintiff 30 days from receipt of the defendants' plan to either consent or seek further relief from the Court, and (4) directing the defendants to make the necessary changes within 60 days of the plaintiff's consent or any ruling on the plaintiff's request for further relief;
- (b) award the plaintiff \$1,000 in compensatory damages under the NYSHRL and NYCHRL, jointly and severally against both defendants;
- (c) award the plaintiff \$500 in statutory penalties under the NYCRL, jointly and severally against both defendants;
- (d) award the plaintiff \$1,500 in attorneys' fees and \$631.93 in costs and expenses, jointly and severally against both defendants; and
- (e) deny the plaintiff's request for declaratory relief.

(*Id.* at 18.) Judge Kuo also recommends that the plaintiff's first motion for default judgment (ECF No. 10) be terminated as moot (ECF No. 14).

The plaintiff filed proof of service of Judge Kuo's report and recommendation on the defendants—the defendants were served on March 1, 2021. (ECF No. 15.) No party has filed an objection to Judge Kuo's report and recommendation, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have reviewed Judge Kuo's well-reasoned and comprehensive report and recommendation and find no error. Accordingly, I adopt the report and recommendation in its entirety. The Clerk of Court is respectfully directed to enter judgment in favor of the plaintiff, and to close this case.

SO ORDERED.

s/Ann M. Donnelly
ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 16, 2021